



## Senate

General Assembly

**File No. 674**

*January Session, 2005*

Substitute Senate Bill No. 132

*Senate, May 4, 2005*

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING THE IMPLEMENTATION AND FUNDING OF A LOBSTER RESTORATION PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1      Section 1. (NEW) (*Effective from passage*) (a) The Department of  
2      Environmental Protection shall adopt regulations, in accordance with  
3      the provisions of chapter 54 of the general statutes, to establish a  
4      lobster restoration program to restore lobster spawning stock by  
5      increasing lobster egg production by providing that mature female  
6      lobsters landed by commercial methods be marked with a v-shaped  
7      notch in the tail, released and protected from future harvest.

8      (b) Subject to the provisions of subsections (c) and (d) of this section,  
9      each person engaged in commercial fishing who lands, marks and  
10     releases lobsters and who reports such landing, marking and releasing  
11     pursuant to section 26-157b of the general statutes shall be  
12     compensated, within available appropriations, at average market  
13     value, as determined by the commissioner, for each lobster released.

14 (c) The Commissioner of Environmental Protection shall select a  
15 contractor, in accordance with the provisions of the general statutes  
16 and department procedures, to implement the provisions of the  
17 program established pursuant to subsection (a) of this section. The  
18 department shall not be responsible for the training, insurance or  
19 supervision of employees of the contractor. The contractor shall be  
20 compensated by the department, within available appropriations, on a  
21 per trip basis and not per lobster. Employees of the contractor shall  
22 accompany persons engaged in commercial fishing who participate in  
23 the program and only such employees shall mark each lobster. Such  
24 persons engaged in commercial fishing shall not mark the lobsters and  
25 shall not be employed by the contractor to mark lobsters for fishing  
26 trips during which such persons are participating in the program.

27 (d) The program established pursuant to subsection (a) of this  
28 section shall (1) be limited to state residents licensed to participate in  
29 commercial fishing by the department pursuant to title 26 of the  
30 general statutes, (2) require that fishermen and employees of the  
31 contractor sign a statement certifying the number of lobsters landed,  
32 marked and released for purposes of the program for each trip, (3)  
33 require such fishermen and contractor to collect and submit to the  
34 department all information deemed necessary by the department to  
35 verify compliance with the program, (4) require that all lobsters  
36 landed, marked and released for purposes of the program be allocated  
37 to the fishermen as catch for purposes of any other lobster  
38 management program under the jurisdiction of the state or federal  
39 government, and (5) provide that each participant in the program be  
40 selected based on the area fished, seasonal nature of such fishing and  
41 volume of landings by such participant prior to such participant's  
42 application to the program.

43 Sec. 2. (*Effective July 1, 2005*) (a) The sum of one million dollars is  
44 appropriated to the Department of Environmental Protection, from the  
45 General Fund, for the fiscal year ending June 30, 2006, for the purpose  
46 of implementing the lobster restoration program established pursuant  
47 to section 1 of this act.

48       (b) The sum of one million dollars is appropriated to the  
49 Department of Environmental Protection, from the General Fund, for  
50 the fiscal year ending June 30, 2007, for the purpose of implementing  
51 the lobster restoration program established pursuant to section 1 of  
52 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2005</i>	New section

**ENV**       *Joint Favorable Subst. C/R*

APP

**APP**       *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Environmental Protection	GF - Cost	1,000,000	1,000,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires the Department of Environmental Protection (DEP) to establish a lobster restoration program. Funds in the amount of 1 million dollars are appropriated to the DEP from the General Fund in both FY 06 and FY 07 to implement the program. This funding is currently not provided in SHB 6671, the budget as favorably reported by the Appropriations Committee. The funding will be used for the DEP to hire a contractor to notch and release approximately 100,000 mature female lobsters in both FY 06 and FY 07 that are landed by commercial methods and compensate the lobstermen, at average market value, for their release.

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**OLR Bill Analysis**

sSB 132

**AN ACT CONCERNING THE IMPLEMENTATION AND FUNDING OF  
A LOBSTER RESTORATION PROGRAM****SUMMARY:**

This bill requires the Department of Environmental Protection (DEP) to adopt regulations and select a contractor to implement a lobster restoration program. It requires the contractor's employees to mark, with a V-shaped notch, the tails of mature female lobsters that licensed commercial fishermen land and then release the lobsters in order to increase lobster egg production. Only the contractor's employees may do the notching.

The bill requires DEP to compensate at the average market rate, as determined by the commissioner and within available appropriations, each commercial fisherman who (1) lands, has marked, and releases lobsters and (2) reports it as required by law.

The bill appropriates \$1 million to DEP in both FY 06 and FY 07 to pay for the program.

EFFECTIVE DATE: Upon passage for the notching program and July 1, 2005 for the appropriations.

**LOBSTER RESTORATION PROGRAM*****Regulations***

DEP must adopt regulations to establish the lobster restoration program to restore lobster-spawning stock with a notch and release program. The bill requires participating commercial fishermen that land mature female lobsters to have the contractor's employees accompanying them on the fishing trip to mark their tails with a v-shaped notch and release them, thereby protecting the lobsters from future harvest and increasing their egg production.

***Contractor Selection, Duties, and Compensation***

The bill requires the DEP commissioner to select a contractor to implement the program. It specifies that DEP is not responsible for the training, insurance, or supervision of the contractor's employees.

Under the bill, the contractor's employees accompany commercial fishermen who participate in the program and mark the mature female lobsters. Only the contractor's employees may notch the lobsters. The contractor cannot employ the fishermen to mark lobsters on fishing trips during which they are participating in the program. DEP must compensate the contractor within available appropriations on a per trip basis, not per lobster.

### ***Participation and Reporting***

Under the bill, only state residents licensed for commercial fishing by DEP can participate in the program. Each participant must be selected based on the area fished, the seasonal nature of such fishing, and volume he landed before applying.

The bill requires fishermen and contractor employees to sign a statement certifying the number of lobsters landed, marked, and released as part of the program for each trip. They must collect and submit to DEP all information it deems necessary to verify compliance with the program.

The bill requires that all lobsters landed, marked, and released under the program be allocated to the fishermen as catch for any other lobster management program under state or federal jurisdiction.

## **COMMITTEE ACTION**

### Environment Committee

Joint Favorable Substitute Change of Reference

Yea 26      Nay 0

### Appropriations Committee

Joint Favorable Report

Yea 50      Nay 0

